



T O W N O F  
**S T O N E H A M**  
M A S S A C H U S E T T S  
Town Hall  
35 Central Street  
Stoneham, Massachusetts 02180  
**BOARD OF APPEALS**  
781-279-2695

**Stoneham Board of Appeals Executive Session Minutes**  
**Thursday, July 28, 2022**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: R. Michael Dufour, Vice Chairman Robert Saltzman, Chairman Tobin Shulman, Kevin McLaughlin and Associate Member Mark Russell sitting in as a voting member.

Members not present: Eric Rubin and Associate Member William Sullivan were not present at the meeting.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals

Mr. Saltzman made a motion to go into executive session pursuant to M.G.L. c. 30A, sec. 21(a)(3) to discuss pending litigation involving Weiss Farm and the Stoneham Board of Appeals v. Housing Appeals Committee, et al and not to return to open session. Mr. Dufour seconded the motion and a roll call vote was taken. All members present voted in favor 5-0. (McLaughlin, Russell, Saltzman, Dufour, Shulman). The regular meeting adjourned at 6:54 PM and the Executive Session began at 6:56PM.

Mr. Saltzman began to update the Board on what has been transpiring since the last update at the end of April. Mr. Saltzman states that the news from Superior Court is not good. There was a decision where the Town of Milton made exactly the same argument we made as far as the legal challenge for the Housing Appeals Board. Mr. Shulman reminds the Board that the argument was that an already uneconomic project could not be made more uneconomic. Mr. Saltzman continued to say that there is now a new legal standard which is that the Housing Appeals Board can make such a standard. Stoneham had the same argument as Milton. Mr. Saltzman continued to say that if we wanted to force the issue then we could probably go all the way to the Supreme Court. As it stands now, if we had prevailed in the argument in Superior Court or the Appellate Court then it would have gone back to the Housing Appeals Board and they would apply some other standard. It wouldn't necessarily go in our favor but it would take longer. Where we are in negotiating with the developer is 199 units. They will not go lower. Mr. Saltzman continues to say we still want to negotiate traffic and the safety for kids crossing the street to Colonial Park. We'd hope for a light there. The other point is the water shed. They asked Bob Parsons who said there should be a water shed study. Corcoran's response it, if you tell me who is going to do the study, he can tell you what it will say. Mr. Saltzman continues to talk about the experts on each side. There guy prevailed and was found to be more credible. Mr. Saltzman asks if it was uneconomic at 259, how can they build 199 units and have it be economic. With the ruling against Milton, the Superior Court would rule against us. He believes we will still try to appeal to have more time. He mentions a grant that the Town is applying for to look into having the water leave the site in two directions. He believes this project will probably stand for 100 years.

We should try to make the water situation better than we found it especially if water becomes more of any issue in years to come. Mr. Saltzman says that Corcoran hasn't embraced this but hasn't shot it down either. We may need another executive session with the next meeting. All that being said, if we get 199 and the other things happen it would almost be worth having a larger project. It would be good to have them help us address the issues. Mr. Saltzman says the grant we are applying for is around \$700,000. Mr. Saltzman also mentions that the pump house is an issue. That should be clarified in the final outcome. You have to have it working. Mr. McLaughlin agrees, all the time. Mr. Saltzman thinks Donna Weiss should keep the pump working. He also mentions the ditches on the property. Mr. Shulman believes that they'd want to have the water under control. Mr. Saltzman adds that at the end of all this the board of Appeals signs onto the decision which is the resolution of the case, with an appeal period of twenty days. If Marty Wantman were to file an appeal it would stop this in its tracks. Mr. Saltzman also mentions DEP. Some of the permits may have to be reapplied for. He continues to say on storm water management, what is the law they have to follow. What was in place at the time of the application or what is in place now? Mr. Shulman states it would be at the time of the application like in every other instance. Mr. Saltzman agrees. Mr. Shulman believes it's been a good update. Mr. Saltzman says that the negotiating is more focused. We aren't there to act like we aren't there to make a deal. We can't use the burn the house down strategy telling them to build the 259 units. Mr. Saltzman states that 95 Maple Street had 270 units across Town with no resistance and then they turned around and sold it. Corcoran is a property manager and if you are going to have something like this, they are the ones that you'd want. They stick around.

Mr. Shulman thanks Mr. Shulman for the update. Mr. McLaughlin asks if they will continue to meet at 6PM in September. The Board agrees.

The executive session adjourned at 7:17 PM.

Respectfully submitted:

Maria Sagarino  
Town Clerk